

The premises shall only be used by members of the public or club members or their guests between 7.30am to 11pm Sunday-Thursday, or between the hours of 7.30am to midnight on Fridays and Saturdays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Adopted Local Plan Development Management Policies Development Management Document (2012)

- 4 The number of children attending the nursery shall not exceed 15 children at any one time.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Adopted Local Plan Development Management Policies Development Management Document (2012)

- 5 Prior to the nursery use commencing, details of cycle parking including the type of stands, gaps between stands location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 2 cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy

(Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 The premises shall be used for a sports hall (D2) and children's nursery (D1) and for no other purpose (including any other purpose in Class D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The site is described as the Old Camdenians Sports Club, Burtonhole Lane and consists of playing fields used for football and cricket

The site is of approximately 4 hectares and is within the green belt. There are a large numbers of trees to the boundary of the site however none of these are subject to a tree preservation order.

The site comprises the old camdenians sports club building which is a single storey building. The site has a vehicle access off burtonhole lane with a hardstanding/car park area. On the other side of the building, there are playing fields. To the west and south are residential dwellings in Burtonhole Close, Burtonhole Road and Hillview Road.

The site is not located in a Conservation Area and none of the buildings on the site are listed.

2. Site History

Reference: H/03817/13

Address: Pavilion, Old Camdenians Football Club, Burtonhole Lane, London, NW7 1AS

Decision: Approved subject to conditions

Decision Date: 06.08.2014

Description: Retention of earth bund around playing fields. New deck and paving to the east elevation of the clubhouse.

Reference: H/05358/14

Address: Pavilion, Old Camdenians Football Club, Burtonhole Lane, London, NW7 1AS

Decision: Approved

Decision Date: 25 February 2015

Description: Submission of details of conditions 3 (Landscaping) and 7 (Method Statement) pursuant to planning permission H/03817/13, dated 06/08/2014.

3. Proposal

The proposal is for a change of use of the existing pavilion building from a sports and social hall (D2) to a mixed sports and social hall and childrens nursery.

The proposed nursery use would use the existing hall between the hours of 7.30am to 6.30pm on weekdays. The nursery proposes to operate with morning sessions (7.30am to 12.30pm) and afternoon sessions (2.30pm to 6.30pm).

The maximum number of children attending the nursery is 15 children.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties.

21 responses have been received, comprising 15 letters of objection and 6 letters of support.

The objections received can be summarised as follows:

- The increased use of the patio will significantly affect the 6 homes that are within 20-300m radius of the patio. Daily noise from even 15 children in a semi-rural quiet area where sound travels will be detrimental.
- The patio was not given permission and was granted retrospectively
- The club wasn't given permission to play music outdoors but they continue to do so both day and night, putting speakers outside. The club was originally a sports club which was then granted an events/alcohol licence and currently advertises to hold parties until 2am. There have been numerous violations of noise into the early hours, littering and gatecrashers. A change of use and increased use of the patio will lead to further building/licence applications, escalating existing issues and move the club away from its history and sporting function.
- the drop-off/pick-up is 10metres from a busy working farm and entrance to the nature reserve at the end of the narrow lane, leading to a close of 3 family houses. The narrow T-intersection is already at capacity with dog walkers, greenbelt rambles, tractors and farm vehicles. It doesn't function well as it is without adding additional cars, prams and nursery delivery vans.
- The rural aspect of this area should be supported and preserved, not commercialised.
- The Council is constantly failing to enforce the existing and current parking restrictions in Burtonhole Lane, enabling the daily illegal parking of builders vehicles on the footpaths and blocking the road to both pedestrians and vehicles.
- There is no public transport in Burtonhole Lane so children being taken to the proposed nursery will have to arrive and be collected by car, adding to traffic, fumes and congestion.
- The drive into the site is obscured and could cause safety issues for children and parents.
- The amount of dirt and dust is starting to feel like a health hazard.
- It is unlikely that only 4 staff would be required to look after and cater for 15 children. The nursery will need to expand in the future.

The letters of support received can be summarised as follows:

- The increase in traffic will be insignificant. The traffic for sporting events has not been noticeable for neighbours and this facility has always been very well run.
- This is an opportunity to better utilise the property and the club can remain open
- This is a daytime use of the site which is appropriate.
- There is a large carpark where children can be dropped off and picked up and there should not be safety issues. Current issues on the road have been caused by inconsiderate contractors not by traffic pressure. Traffic is generally very light and the traffic generated over short periods by a small nursery is not going to cause significant problems to residents.
- It is noted that many of the objections have been submitted from residents of roads that are not affected by traffic on Burtonhole Lane.

A site notice was posted 11 April 2019.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM13, DM15, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the change of use is acceptable in the Green Belt;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality including Green Belt;
- Whether harm would be caused to the living conditions of neighbouring residents.

- Whether the proposal will impact on Highways safety or function

5.3 Assessment of proposals

- Whether the principle of the change of use is acceptable in the Green Belt or Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality including Green Belt;

The existing use of the property is as a sports and social club hall (D2 use). The proposal is to change the use class to provide a mixed sports/social hall and children's nursery (D1/D2).

Development Management Policies DM13: Community and education uses deals with community uses which would include health centres, dentists, schools and further education uses. Policy DM13 states 'Loss of community or educational use will only be acceptable in exceptional circumstances where: i) New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location' The policy goes on to state 'New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.'

The site is not well connected by public transport and is outside of the town centre. However, the site is also an existing community use and therefore this proposal does not strictly constitute a new community use. There is no loss of a community facility because the sports and social hall will be retained as existing however a nursery will utilise the building during the week days when the sports and social club is otherwise vacant.

A condition will be imposed to restrict the hours of the nursery and ensure the D2 use is still retained.

Therefore there is no policy objection under DM13 to the change of use, subject to an assessment of the impacts of the development on user and residential amenity or traffic impacts.

The site is located within the Green Belt and policy DM15 applies to all development within the Green Belt.

Section 13 of the National Planning Policy Framework (NPPF) sets out the Governments approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements. The NPPF sets out in Paragraph 134 that the Green belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF outlines in Paragraph 146 that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

The NPPF advocates that inappropriate development should not be approved except in very special circumstances, and very special circumstances will not exist unless the potential

harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt. London Plan policy 7.16 states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

As the proposal is to retain the existing pavilion building and proposes no changes to the built form of the building, it is not considered the proposal will impact on the openness of the Green Belt. Notwithstanding this, the proposed use would result in more intense levels of activity, likely to be constant throughout the day with drop-offs pick-ups, compared to the lawful use of the site as a social and sports hall. However, the hours of use and numbers of children can be managed and the intensity of activity is not considered to be harmful to the greenbelt or purpose of including land within it. The use of the building as a nursery is a compatible use of the building which is used as a sports and social hall in the weekends and evenings. This proposal helps make better use of the existing recreational building through the week.

A condition will be included to restrict the hours of the nursery and ensure that the sports use is still retained. This is necessary because the building is appropriate in the Green Belt on the basis that it serves a sports/recreation use.

For the reasons outlined above, it is considered that the proposal is acceptable in greenbelt terms and meets the requirements of policy DM15 of the development.

There are no external changes required to the existing building and the proposal is not considered to have any adverse impact on the character or appearance of the area or host building.

- Whether harm would be caused to the living conditions of neighbouring residents

The building and grounds are used as a sports and social club. The grounds are rarely used mid-week during the day for sport. The proposed nursery use would use the existing hall Monday-Friday between the hours of 7:30am & 6:30pm. Morning sessions will be between 7:30am to 12:30pm & the afternoon sessions between 2:30pm to 6:30pm.

The maximum number of children attending the proposed nursely is 15 children at any one time.

Drop off and pick ups will utilise the existing car park area, the access to which from Burtonhole Lane is shared with Burtonhole Close.

The patio area at the rear of the building will serve as an outdoor amenity space for children while the nursery is occupied. This is likely only to be used in good weather. This area is not located close to any neighbouring residential properties and therefore it is not expected that there would be any undue noise impacts to neighbouring properties.

Concerns were raised regarding noise levels. The comments appear to be concerned with the function of the building for events rather than specifically relating to a proposed use of the building for a children's nursery.

- Whether the proposal will impact on Highways safety or function

The building and grounds are used as a sports and social club. The grounds are rarely used mid-week during the day for sport. The proposed nursery use would use the existing hall Monday-Friday between the hours of 7:30am & 6:30pm.

Morning sessions will be between 7:30am to 12:30pm & the afternoon sessions between 2:30pm to 6:30pm.

Drop offs and pick ups will be in the existing car park area which is a significant distance from neighbouring residential properties and has sufficient space to allow for parking and vehicle turning within the site. This should reduce any potential conflicts that could arise from cars waiting on the road. The applicant has also indicated that the nursery will utilise a van which seats 6 children and this vehicle would be used as much as possible to transport children to and from the premises therefore considerably reducing the number of vehicles using the road.

The maximum number of children attending the proposed nursery is 15 children at any one time. The number of employees will be between 1-4. Regulatory guidelines indicate that one member of staff should be available for every three children under 2, one member of staff for every four children between 2 and 3 and for children between the age of 3 and 5 there should be one carer of every 8 children.

Highways officers have reviewed the proposal and consider it is unlikely to have a significant highways impact given that the maximum number of children that would attend the proposed nursery is 15 children which results in low levels of traffic movements.

Highways would recommend that 2 cycle stands in a sheltered, lockable and secure environment are provided for staff. This can be conditioned.

5.4 Response to Public Consultation

The concerns raised by comments have been addressed in the sections above relating the green belt, impact on character, impact on neighbouring occupiers and impacts on highways. The assessment has found that the proposal is acceptable with suitable conditions to manage the operation of the nursery.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the green belt, character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

